

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY TRIAL DEMANDED

**PLAINTIFF HEADWATER RESEARCH LLC'S SUR-REPLY
TO DEFENDANTS' MOTION FOR CONTINUANCE**

Samsung requests that the Court postpone trial in this case for 10+ weeks without identifying any sufficient basis for such a lengthy delay here. D.I. 372 and 377.

Samsung argues that its requested 10+ week postponement does not prejudice Headwater. D.I. 377. But Samsung does not explain why its request is appropriate or necessary, having identified no specific conflicts—to the Court or to Headwater—during the 10-week period between the end of its counsel’s ITC trial and Samsung’s proposed new trial date here. Additionally, Samsung does not address the prejudicial effect of a delay in *this case* as opposed to any other litigation between the parties.

Moreover, “this Court has recognized [that] a plaintiff has a right to timely enforcement of its patent rights.” *See, e.g., MyPort, Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:22-cv-00114-JRG, Dkt. No. 73 (E.D. Tex. June 13, 2023) (denying Samsung’s motion to stay, and finding “no unreasonable delay in filing suit” even though plaintiff filed suit in 2017 and then again in 2022). This is true “even if the plaintiff does not practice the asserted patents,” and remains true even if the patentee “could be made whole by money damages.” *Team Worldwide Corp. v. Wal-Mart Stores, Inc.*, No. 2:17- cv-00235-JRG, 2018 WL 2722051, at *4 (E.D. Tex. June 6, 2018) (quotation omitted).

For these reasons, Headwater respectfully requests that the Court deny Defendants’ motion to postpone trial to the week of October 28, 2024.

Dated: July 31, 2024

Respectfully submitted,

/s/ Marc Fenster

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a).

/s/ Marc Fenster

Marc Fenster